

**REAL ESTATE BOARD
MINUTES
MADISON, WISCONSIN
AUGUST 24, 2000**

PRESENT: Richard Hinsman, Bettye Lawrence, Jerome Nelson, and Richard Kollmansberger; Nancy Gerrard (by telephone)

EXCUSED: James R. Imhoff and Harold Lee

STAFF PRESENT: Clete Hansen (by telephone), Bill Dusso, Roxanne Peterson and Jan Neitzel; Division of Enforcement staff were present for portions of the meeting.

GUESTS: Rick Staff, WRA

CALL TO ORDER

The meeting was called to order at 10:15 a.m. by Dick Hinsman, Vice-Chair, upon confirmation that the public notice was timely given. A quorum of 5 members was present.

AGENDA

MOTION: Bettye Lawrence moved, seconded by Nancy Gerrard, to adopt the agenda as published. Motion carried unanimously.

MINUTES (July 27, 2000)

MOTION: Jerry Nelson moved, seconded by Bettye Lawrence, to approve the minutes as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

Secretary Cummings' Report

Secretary Cummings was not available.

Clete Hansen reported that Secretary Cummings was pleased with the number of board members that attended the Board Member Workshop. Mr. Hansen noted that Jerry Nelson and Dick Hinsman attended the Workshop.

Clete Hansen stated that he has summarized the information provided by a panel of legislators at the workshop and will include a copy of his memo in the next agenda packet.

Division Administrator's Report

- Board Roster

The Board received a copy of the July 2000 roster. Noted.

- Meeting Dates for 2001

The Board received a copy of the approved meeting dates for 2001.

- Screening Statistics

The Board received a copy of the July 27, 2000, screening statistics. Noted.

ADMINISTRATIVE RULES

The Board received a copy of the August 7, 2000, correspondence prepared by Clete Hansen relating to RL 24.04 (2) (b) Wis. Admin. Code, and the comments of Bill Smith of the Small Business Advisory Committee.

The Board received a finalized rule draft that included the suggestions received after the July 27, 2000, hearing.

ADMINISTRATIVE WARNINGS PROCEDURES

Bill Dusso, Board Legal Counsel, explained the procedure for issuing an administrative warning. Mr. Dusso stated that administrative warnings should be used more frequently to replace some of the prosecutorial discretion closings when a minor violation may have occurred.

REPORT OF THE COUNCIL ON REAL ESTATE CURRICULUM AND EXAMINATION

Minutes of the July 27, 2000, Council Meeting

The Board received a copy of the July 27, 2000, minutes.

The Curriculum Council is recommending continuing education courses comparable to those offered in the current 2-year period. The continuing education courses will continue to consist of 4 modules, with the 4th module consisting of several alternatives.

The Curriculum Council will use the legal updates provided by the WRA as resources for continuing education courses. Rick Staff will furnish the legal updates at the September 28, 2000, Council meeting

The continuing education test-out exam will have the same format as in the past. Sue Hamer, Rick Staff and Clete Hansen will evaluate the course contents and highlight the main areas that need to be included in the test-out exam. These will be forwarded to PSI.

Clete Hansen reported that the decrease in participants for the test-out exam will not pose a problem for PSI at the present time.

Notes for the Trust Account Continuing Education Course

Rick Staff commented that the notes for the trust account continuing education course provides the Curriculum Council with subject matter for the continuing education of licensee's for trust account issues. Mr. Staff offered the use of the WRA newsletter to relay to licensees any issues the Department feels are significant.

Kelley Sankbeil will gather information on disciplinary cases within the last 4 years to help the Council determine subject matter for continuing education.

NEW BUSINESS

None.

PUBLIC COMMENT

Rick Staff reported that the WRA will pursue legislative initiatives on 2 issues.

1. Agency law issues relating to dual agency representation.
2. Stopping large nationwide companies or affinity companies from demanding referral commissions under certain circumstances.

MISCELLANEOUS CORRESPONDENCE

None.

RECESS TO CLOSED SESSION

MOTION: Bettye Lawrence moved, seconded by Jerry Nelson, to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), and (f), Wis. Stats., to consider the licensing or discipline of a person licensed by the Department or the investigation of charges against such a person. Specifically, to discuss the issue of case status reports, case closings, monitoring reports, deliberations on stipulations that may be signed after printing of the agenda, and disciplinary proceedings. Motion carried unanimously by a roll call vote: Nancy Gerrard-yes; Richard Hinsman-yes; Richard Kollmansberger-yes; Bettye J. Lawrence-yes; Jerome M. Nelson-yes. Motion carried unanimously.

Open Session recessed at 10:50 a.m.

The Board received a copy of the Division of Enforcement Case Status Report.

The Board deliberated on case closings, stipulations, and a disciplinary action.

Final voting on these issues was conducted in Open Session.

RECONVENE IN OPEN SESSION

MOTION: Bettye Lawrence moved, seconded by Jerry Nelson, to adjourn the Closed Session and to reconvene in Open Session at 11:33 a.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

CASE CLOSINGS

MOTION: Dick Kollmansberger moved, seconded by Bettye Lawrence, to close case 99 REB 147 presented by the Division of Enforcement for insufficient evidence. Motion carried unanimously.

MOTION: Bettye Lawrence moved, seconded by Dick Kollmansberger, to close case 99 REB 243 presented by the Division of Enforcement for insufficient evidence. Motion carried unanimously.

MOTION: Bettye Lawrence moved, seconded by Jerry Nelson, to close case 99 REB 286 presented by the Division of Enforcement for no violation. Motion carried unanimously.

STIPULATIONS

Donald C. Mastaglio (Brookfield, WI)

The Board agreed that more information was needed before a decision could be made relating to Donald C. Mastaglio.

Annette L. Reynolds (Milwaukee, WI)

The Board agreed that more information was needed before a decision could be made relating to Annette L. Reynolds.

Raymond D. Van Kirk (Tomah, WI)

The Board agreed that more information was needed before a decision could be made relating to Raymond D. Van Kirk.

Grant R. Wood (Appleton, WI)

The Board discussed the information relating to Grant R. Wood and agreed that additional information was needed before a decision could be made.

MOTION: Dick Kollmansberger moved, seconded by Jerry Nelson, to request more information relating to Grant R. Wood. Motion carried unanimously.

Duane Wepfer and Dairyland Realty (Abbotsford, WI)

MOTION: Jerry Nelson moved, seconded by Dick Hinsman, to accept the Stipulation, Findings of Fact, Conclusions of Law and Order in the matters involving Duane Wepfer and Dairyland Realty. Motion carried unanimously.

DISCIPLINARY ACTION

Dale W. Johnson (Hudson, WI)

MOTION: Bettye Lawrence moved, seconded by Dick Kollmansberger, to revoke the license of Dale W. Johnson. Motion carried unanimously.

ADJOURNMENT

MOTION: Nancy Gerrard moved, seconded by Dick Kollmansberger, to adjourn the meeting. Motion carried unanimously.

Meeting adjourned at 11:36 a.m.